IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11392 of 2004

Between:

M/s. Industrial Entrepreneur Syndicate

a partnership Firm, rep by Partner M. Chandraiah

S/o M. Mallaiah R/o H. NO. 4-1-107/1,

Bhavaninagar, Nacharam, Hyderabad

..... PETITIONER

AND

1. The Central Power Distribution Company of A.P.,

Limited, rep by Managing Director,
Vidyut Soudha, Somajiguda, Hyderabad
2. The Superintending Engineer, Operations Central Power

Distribution Co. of A.P., Ltd., Ranga Reddy District
3. The Divisional Engineer, Electrical Operations, Central Power

Distribution Co. of A,P., Ltd., Ranga Reddy District
4. The Assistant Divisional Engineer/Operations Habsiguda

Central Power Distribution Co of A.P. Ltd., Ranga Reddy District
5. Additional Assistant Engineer, Operations, Central Power

Distribution Co. of A,P., Ltd., Nacharam, Ranga Reddy District

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate Writ, Order or direction preferably a Writ in the nature of Writ of Mandamus, declaring the Letter bearing No. AAE/OP/NCM/D. No. 888/04 dated 29-6-2004 issued by the 5th respondent as being illegal, arbitrary and violative of

Articles 14 and 21 of the constitution of India and consequently stay all further proceedings including disconnection of Power supply to the Service connection bearing No. 705-10306 belonging to the petitioner firm, located in the petitioner's premises in Sy. NO. 617/1 &4 situated behind Nacharam Telephone Exchange, Nacharam, Hyderabad

Counsel for the Petitioner: MR.V.SUBRAHMANYAM

Counsel for the Respondents: Smt M.Vinobha Devi, SC for AP Transco

The Court made the following:

ORDER:

Heard learned counsel for the respective parties.

The Writ Petition is directed against the show cause notice dated 29.6.2004 issued by the fifth respondent proposing disconnection of the LT Category II service Connection bearing No. 705-10306 of the petitioner on the ground that the service connection was obtained contrary to Condition No.6 of the Sanction of the Service Connection by contending that steps were taken to disconnect, even without considering the explanation dated 29.6.2004 given by the petitioner.

This Court by order dated 6.7.2004 directed the respondents not to disconnect the power supply, while directing the petitioner to submit his explanation. The explanation has been submitted, but final orders have not yet been passed.

Whether the petitioner has violated Condition No.6 of the conditions incorporated in the sanction order dated 1.12.2003 and whether if such violation is there, the respondents are entitled to disconnect the service is an issue that ought to be decided by the competent authority.

The petitioner is entitled to a notice and an opportunity before any disconnection. The impugned order is merely show cause notice and it is neither asserted to be malafide nor is it contended that the fifth respondent, who issued the impugned show cause notice is incompetent.

In the aforesaid circumstances, the Writ Petition is disposed of directing the respondents to pass final orders pursuant to the show cause notice dated 26.09.2004 after considering the explanation dated 26.09.2004 submitted by the petitioner and recording the reasons for the decision arrived at. The respondents are further directed not to disconnect LT category II Service connection bearing No. 705-

10306, for a period of 10 days from the date of receipt by the petitioner of the orders of the respondent. Needless to state that if the petitioner is aggrieved by any decision as is communicated to him, he is at liberty to pursue such remedies, as they are available to him in law.

Accordingly, the Writ Petition is disposed of. No costs.

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22-11-2004

Note:

C.C. in two days

B/o.

kvrm

To

1. The Managing Director, The Central Power Distribution

Company of A.P., Limited, Vidyut Soudha, Somajiguda,

Hyderabad
2. The Superintending Engineer, Operations Central Power

Distribution Co. of A.P., Ltd., Ranga Reddy District
3. The Divisional Engineer, Electrical Operations, Central Power

Distribution Co. of A,P., Ltd., Ranga Reddy District
4. The Assistant Divisional Engineer/Operations Habsiguda

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5. The Additional Assistant Engineer, Operations, Central Power

Distribution Co. of A,P., Ltd., Nacharam, Ranga Reddy District

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